

File No.15797

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ESTHER EHRENFELD and ASHER EHRENFELD,

AFFIDAVIT OF SERVICE

Plaintiff (s),

INDEX #: 07 CIV 8559

-against-

HON.

THE UNITED STATES OF AMERICA and THE CITY OF
NEW YORK,

Defendant (s),

-----X

STATE OF NEW YORK)
COUNTY OF NEW YORK)SS.:

GENE L. CHERTOCK, ESQ., being duly sworn. deposes and says, upon information and belief:

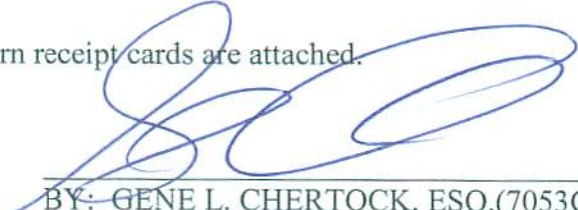
That I am associated with the attorney for the plaintiff(s) herein and am familiar with the facts and circumstances herein, except as to those alleged upon information and belief, and as to those I verily believe them to be true.

That I make this affidavit of service of the Summons and Complaint in the within action.


On October 17, 2007, I caused the Summons and Complaint to be served personally upon the defendant CITY OF NEW YORK at the place designated by them for service (Law Department of the Office of the Corporation Counsel). Their acknowledgement of service is attached. The defendant UNITED STATES OF AMERICA was also personally served that day at the Office of the United States Attorney for the Southern District of New York. Their acknowledgement of service is likewise attached.

Service was thereafter made by Certified Mail as set forth in the annexed affidavit of

Nieves Hernandez. Copies of signed return receipt cards are attached.


BY: GENE L. CHERTOCK, ESQ.(7053GLC)
SUBIN ASSOCIATES LLP
Attorneys for Plaintiff(s)
291 Broadway
New York, New York 10007

Sworn to before me this
2nd Day of December, 2007


Notary Public
MARIE DONADIO
Notary Public, State of New York
No.43-4981296
Qualified in Richmond County
Commission Expires May 6, 2011

JUDGE LEISURE

AO 440 Summons in a Civil Action

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL CASE

CASE NUMBER:

ESTHER EHRENFELD and ASHER EHRENFELD,

Plaintiff (s),

-against-

THE UNITED STATES OF AMERICA and THE CITY OF NEW YORK

Defendant (s),

-----X

TO: (Name and address of defendant)

UNITED STATES OF AMERICA

THE CITY OF NEW YORK
100 CHURCH STREET
NEW YORK, NEW YORK 10007

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

SUBIN ASSOCIATES, LLP
291 BROADWAY- 9TH FLOOR
NEW YORK, NEW YORK 10007
(212) 285-3800

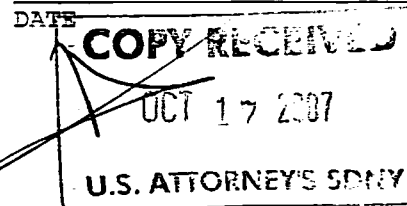
an answer to the complaint which is herewith served upon you, within days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

[Signature]
BY DEPUTY CLERK

OCT 03 2007



JUDICIAL LEAD
FILED 10/10/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8559

-----X
ESTHER EHRENFELD and ASHER EHRENFELD,

Plaintiff(s),

TRIAL BY JURY DEMANDED
VERIFIED COMPLAINT

-against-

Index No.:

THE UNITED STATES OF AMERICA and THE CITY OF
NEW YORK,

Defendant(s),
-----X

Plaintiffs, complaining of the defendants, by their attorney, upon information and belief,
respectfully allege:

AS AND FOR A FIRST CAUSE OF ACTION IN BEHALF
OF PLAINTIFF ESTHER EHRENFELD AGAINST THE CITY OF NEW YORK

1. That at all the times herein mentioned, the plaintiffs ESTHER EHRENFELD and
ASHER EHRENFELD were and still are domiciliaries of the State of New York residing at 1737
54th STREET, Brooklyn, New York. (Kings County).

2. That the amount in controversy in this action exceeds ONE HUNDRED
THOUSAND (\$100,000.00) DOLLARS, exclusive of interest and costs.

3. That at all the times herein mentioned, the defendant THE CITY OF NEW
YORK, hereinafter referred to as "CITY", was and now is a municipal corporation duly
organized and existing under and by virtue of the laws of the State of New York.

4. That notice of plaintiffs' claim and notice of intention to sue and of the time when
and the place where the injuries alleged herein were incurred and sustained was duly filed by the
plaintiffs with the Corporation Counsel of the defendant CITY and with the Comptroller of the
defendant CITY within 90 days after the cause of action herein accrued.

5. That pursuant to notice given by the defendant CITY a hearing was waived.

6. That prior to the commencement of this action all of the requirements and
conditions precedent established in Section 394 (a)-1.0, Volume 2A, Chapter 16 of the

FILED OCT 9 2007
U.S.D.C. S.D. N.Y.
CLERK'S OFFICE

COPY RECEIVED
OCT 17 2007
U.S. ATTORNEY'S SDNY

JUDGE LEISURE

AO 440 Summons in a Civil Action

United States District Court

SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL CASE

CASE NUMBER:

ESTHER EHRENFELD and ASHER EHRENFELD'

Plaintiff (s),

-against-

THE UNITED STATES OF AMERICA and THE CITY OF NEW YORK

Defendant (s),

-----X
TO: (Name and address of defendant)

UNITED STATES OF AMERICA

THE CITY OF NEW YORK
100 CHURCH STREET
NEW YORK, NEW YORK 10007

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

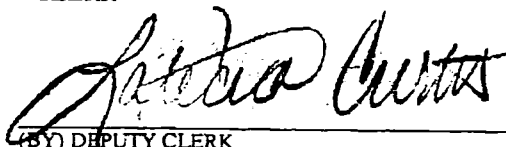
**SUBIN ASSOCIATES, LLP
291 BROADWAY- 9TH FLOOR
NEW YORK, NEW YORK 10007
(212) 285-3800**

an answer to the complaint which is herewith served upon you, within days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE


(BY) DEPUTY CLERK

OCT 03 2007

JUDGE LEISURE
FILED 15797

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8559

-----X
ESTHER EHRENFELD and ASHER EHRENFELD,

Plaintiff (s),

TRIAL BY JURY DEMANDED
VERIFIED COMPLAINT

-against-

Index No.:

THE UNITED STATES OF AMERICA and THE CITY OF
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Defendant (s),
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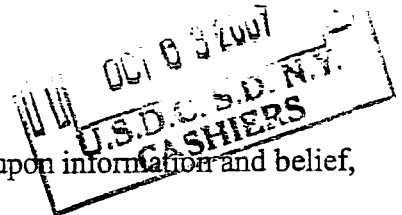
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4. That notice of plaintiffs' claim and notice of intention to sue and of the time when
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plaintiffs with the Corporation Counsel of the defendant CITY and with the Comptroller of the
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conditions precedent established in Section 394 (a)-1.0, Volume 2A, Chapter 16 of the



1737
54th STREET
BROOKLYN
NEW YORK
11214

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

NIEVES HERNANDEZ, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 291 Broadway, New York, N.Y. 10007.

On October 18, 2007, deponent served the within Letter, Summons, Complaint and Justice Leisure's notification of a Pre-Trial Conference upon:

US Department of Justice
United States Attorney General
Civil Litigation Department
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Certified Mail, Return Receipt Requested
#7007 0710 0003 5820 0130

US Attorneys Office
Civil Process Clerk
86 Chambers Street
New York, New York 10007

Certified Mail, Return Receipt Requested
#7007 0710 0003 5820 0178

Veterans Administration
Office of Regional Counsel
800 Poly Place - Building 14
Brooklyn, NY 11209

Certified Mail, Return Receipt Requested
#7007 0710 0003 5820 0123

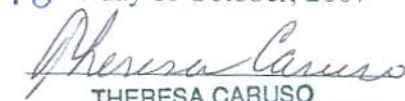
Department of Veterans Affairs
General Counsel (021B)
810 Vermont Avenue NW
Washington, DC 20420

Certified Mail, Return Receipt Requested
#7007 0710 0003 5820 0116

these being the addresses designated by said parties for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in an official depository mailbox maintained at 291 Broadway, New York, N.Y. 10007 under the exclusive care and custody of the United States Postal Service within the State of New York.


NIEVES HERNANDEZ

Sworn to before me this
18th day of October, 2007


THERESA CARUSO
Notary Public, State of New York
No. 01CA6010794
Qualified in Richmond County
Commission Expires July 27, 2010

Commission Expires July 27, 2010
Office of the State Comptroller
100 State Street
Albany, New York 12243-1500
T: 518/474-2000

SUBIN ASSOCIATES, L.L.P.

COUNSELORS AT LAW
291 BROADWAY - 9TH FLOOR
NEW YORK, NY 10007

BERT W. SUBIN ☉

HERBERT S. SUBIN+
CHRISTOPHER W. AMBLER+
GREGORY T. CERCHIONE ♦

(212) 285-3800

WWW.SUBINLAW.COM

GENE L. CHERTOCK* ▲

CHARLES J. HUROWITZ

DAVID KLEINMAN

OFFICE MANAGER
MARIE DONADIO

☉ 1930-1991

*Member New York & New Jersey Bars

▲ Member New York & Pennsylvania Bars

+Member New York & Connecticut Bars

♦ Past President Brooklyn Bar Association
Past President Columbian Lawyers

October 18, 2007

US Department of Justice
United States Attorney General
Civil Litigation Department
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Certified Mail, Return Receipt Requested

US Attorneys Office
Civil Process Clerk
86 Chambers Street
New York, New York 10007

Certified Mail, Return Receipt Requested

Veterans Administration
Office of Regional Counsel
800 Poly Place - Building 14
Brooklyn, NY 11209

Certified Mail, Return Receipt Requested

Department of Veterans Affairs
General Counsel (021B)
810 Vermont Avenue NW
Washington, DC 20420

Certified Mail, Return Receipt Requested

Re: Ehrenfeld v USA
Docket # 07 CIV 8559 (PKL)

To whom it may concern:

Enclosed please find the summons and complaint in the above action served upon you in accordance with FRCP §4. Also enclosed are Justice Leisure's notification of a Pre-Trial Conference for December 13, 2007 at 11:30 am and the Court's rules for this action. This Summons and Complaint was also hand delivered to the U.S. Attorneys Office for the Southern District of New York on 10/17/07.

Please assign counsel and answer the complaint.

Please have counsel contact me so we can discuss the matter and prepare the discovery plan in accordance with the Court's order.

Very truly yours,

Gene L. Chertock

GLC:nh
Enclosures

7007 0710 0000 5820 0123

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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

10/18/07

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 of Regional Counsel
 800 Poly Place Bldg 14
 Brooklyn, NY 11209

PS Form 3800, August 2006

See Reverse for Instructions

0010 0285 0000 0120 2007

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
#15797	
Sent to US Dept. of Justice	
United States Attorney General	
Street, Apt. No. CIVIL Litigation Dept	
or PO Box No. 950 Pennsylvania Ave NW	
City, State, ZIP+4 Washington, DC 20530-0001	
PS Form 3800, August 2006	
See Reverse for Instructions	

7007 0710 0003 5820 0116

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To	Dept of Veterans affairs
Street, Apt. No., or PO Box No.	General Counsel (0213) 810 Vermont Ave NW
City, State, ZIP+4	Washington DC 20420

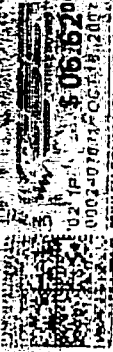
PS Form 3800, August 2006 See Reverse for Instructions

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OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
10/18/07 Postmark Here #15797	
Sent To US Attorney's Office CIVIL Process Street, Apt. No., or PO Box No. Clerk City, State, ZIP+4 86 Chambers St., NY, NY 10007	
PS Form 3800, August 2006 See Reverse for Instructions	



7007 0710 0003 5820 0130



SUBIN ASSOCIATES, L.L.P.
291 Broadway 9th Fl.
NEW YORK, NY 10007

TO: US DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY GENERAL
Civil Litigation Department
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

SENDER: COMPLETE THIS SECTION Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION ON DELIVERY A. Signature <input checked="" type="checkbox"/> X B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____ 3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> C.O.D. <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Express Mail 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No	
1. Article Addressed to: U.S. Department of Justice United States Attorney General Civil Litigation Department 950 Pennsylvania Ave NW Washington, DC 20530-0001		2. Article Number (Transfer from service label) 7007 0710 0003 5820 0130	

15797

15797

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: US Attorneys Office Civil Process Clerk 86 Chambers Street New York, NY 10007		B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
PS Form 3811, February 2004		Domestic Return Receipt	

SUBIN ASSOCIATES, L.L.P.
291 Broadway 9th Fl.
NEW YORK, NY 10007

TO: US ATTORNEYS OFFICE
Civil Process Clerk
86 Chambers Street
New York, NY 10007

7007 0710 0003 5820 0178



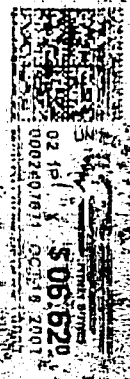
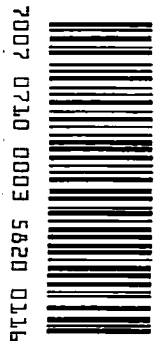
15797

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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<p>1. Article Addressed to:</p> <p>Department of Veterans Affairs General Counsel (021B) 810 Vermont Ave. NW Washington, DC 20420</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label) 7007 0710 0003 5820 0116</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 1C2595-02-M-1540</p>			

15797

SUBIN ASSOCIATES, L.L.P.
291 Broadway 9th Fl.
NEW YORK, NY 10007

TO: DEPARTMENT OF VETERANS AFFAIRS
GENERAL COUNSEL (021B)
810 Vermont Avenue NW
Washington, DC 20420



15797

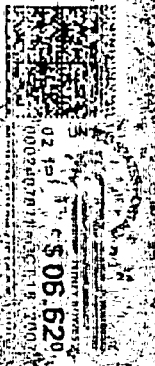
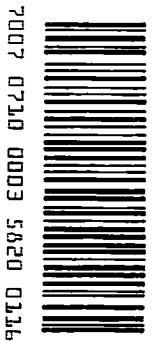
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<p>2. Article Number (Transfer from service label) 7007 0710 0003 5820 0116</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

PS Form 3811, February 2004 Domestic Return Receipt 02595-02-M-1540

15797

SUBIN ASSOCIATES, L.L.P.
291 Broadway 9th Fl.
NEW YORK, NY 10007

TO: DEPARTMENT OF VETERANS AFFAIRS
GENERAL COUNSEL (021B)
810 Vermont Avenue NW
Washington, DC 20420



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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

7007 0710 0003 5820 0123

Send Reverse for Instructions

Veterans Administration Office
 Office of Regional Counsel
 800 Poly Place Bldg 14
 Brooklyn, NY 11209

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Insurance Coverage Provided)

For more information, visit our website at www.usps.com

0130 0825 0003 0710 2007

Postage	\$	10/18/07 Postmark Here #15797
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent to: US Dept. of Justice
United States Attorney General
 Street, Apt. No., or PO Box No. Civil Litigation Dept
950 Pennsylvania Ave NW
 City, State, Zip Washington, DC 20530-0001

See Reverse for Instructions

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Article Addressed to:

U.S. Department of Justice
 United States Attorney General
 Civil Litigation Department
 950 Pennsylvania Ave. NW
 Washington, DC 20530-0001

2. Article Number

(Transfer from service label)

7007 0710 0003 5820 0130

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Samuel J. Pinder☐ Agent☐ Addressee

B. Received by (Printed Name)

JCT 2 2 2007

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7007 0710 0003 5820 0178

U.S. Postal Service
CERTIFIED MAIL - RECEIPT
 (Domestic Mail Only - No Insurance Coverage Provided)
 For delivery information, visit our website at www.usps.com

Postage	\$	10/18/07 #15797
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Postmark Here

Sent to
 US Attorneys Office Civil Process
 Clerk
 Street, Apt. No. or PO Box No.
 City, State, ZIP+4 86 Chambers St., NY, NY 10007

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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US Attorneys Office
 Civil Process Clerk
 86 Chambers Street
 New York, NY 10007

2. Article Number

(Transfer from service label)

7007 0710 0003 5820 0178

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x E. Russo

- ☐
- Agent
-
- ☐
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/19/07

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒
- Certified Mail
- ☐
- Express Mail
-
- ☐
- Registered
- ☒
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

INDEX #: 07 CV 8559

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESTHER EHRENFELD and ASHER EHRENFELD,

Plaintiff (s),

-against-

THE UNITED STATES OF AMERICA and THE CITY OF NEW YORK,

Defendant (s)

AFFIDAVIT OF SERVICE

SUBIN ASSOCIATES LLP

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